

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50337 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- TERHAGACHH District- Kishanganj

1. TENGRA MAHTO @ LAL BAHADUR, aged about 65 years, Son of Late Tinkouri Mahto Resident of Village - Fulbaria, P.S.- Terhagachh, Distt - Kishanganj.
2. Kundan Mahto, aged about 28 years, Son of Tengra Mahto @ Lal Bahadur Resident of Village - Fulbaria, P.S.- Terhagachh, Distt - Kishanganj.
3. Tirku Mahto @ Shiv Shankar Mahto, aged about 21 years, Son of Tengra Mahto @ Lal Bahadur Resident of Village - Fulbaria, P.S.- Terhagachh, Distt - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-10-2019 At the outset, learned counsel for the petitioners submits that petitioner no. 1 namely Tengra Mahto and petitioner no. 3 namely Tirku Mahto have already been arrested, therefore, this application as regards petitioner nos. 1 & 3 has become infructuous.

Let this application be dismissed as having become infructuous in respect of petitioner nos. 1 and 3.

Now, this application survives only with respect to petitioner no. 2 namely, Kundan Mahto.

Heard learned counsel for the petitioner no.2 and learned Additional Public Prosecutor for the State.



The petitioner no. 2 is seeking anticipatory bail in connection with Terhagachh P.S. Case No. 35 of 2019 registered under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 2 submits that as per the fardbeyan of the informant altogether 17 named and 10 – 15 unknown persons had assembled at the place of occurrence, all were lashed with Lathi - Danda and they assaulted the father of the informant as a result whereof he died.

Learned counsel submits that so far as this petitioner is concerned, he is named one among 17 named persons but there is no specific allegation of assault against him.

Learned A.P.P. for the State after perusal of the case diary submits that the Investigating Officer has collected information in which it has been found that one Kapil Mahto had given the first blow on the back of the neck of the father of the informant as a result whereof he fell down and thereafter other accused persons had assaulted but there is no specific material in the case diary to suggest that this petitioner had also participated in the



assault on the father of the informant.

Considering the facts and circumstances of the case wherein there is general and omnibus allegation against this petitioner he has got no criminal antecedent and further that some of the similarly situated accused persons have been granted privilege of anticipatory bail by learned coordinate Bench of this court in Cr. Misc. No. 39667/2019, let the above-named petitioner no. 2 namely Kundan Mahto, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Terhagachh P.S. Case No. 35 of 2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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